

# **EXHIBIT F**

**Case No. 21-CV-0817-TSZ**

**(Exhibit F to Mann Declaration)**

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15 MR. RAVA: Objection to the form of that  
16 question. Also, generally, I suppose to the relevance  
17 of questioning in a federal case DMCA issues which are  
18 -- have been removed --

19 MR. MANN: Okay. Well --

20 MR. RAVA: You can go on and ask about  
21 it.

22 MR. MANN: Well, thank you, Will. I'm  
23 glad you raised that issue.

24 Can we have an agreement that -- I'll be happy to  
25 get off this topic if we can have an agreement that I

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1 can conduct a further deposition of Bungie in the  
2 arbitration. You know, this is not my one shot. If we  
3 can have an agreement that we can do further discovery  
4 in connection with the issues before the arbitrator,  
5 I'll be happy to move on.

6 MR. RAVA: I think that we've had some  
7 conversations already about the extent to which the  
8 discovery in one can be used in the other. I don't  
9 believe that we've had this specific conversation, and I  
10 think we're open to it. I think you ought to -- you  
11 should do what you think you need to do in this  
12 deposition.

13 I'm just raising the issue that this is a federal  
14 -- that this has been noted as a Federal Court  
15 deposition. And you all asked and we moved the DMCA  
16 claims to JAMS, so we're there.

17 But you have the right to take depositions in the  
18 JAMS case, too, as you know.

19 MR. MANN: Okay. Good. I think we're  
20 in agreement. What I'm trying to avoid here -- just --  
21 and we might as well get this on the record, I have no  
22 objection to discovery that is obtained in connection  
23 with the Federal Court case being used in the  
24 arbitration and vice versa. I think that makes sense.  
25 No sense in asking the same questions twice.

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1           So that is what I understood you to ask me before,  
2        and I'm in agreement on that. So, as far as I'm  
3        concerned, whatever discovery you get out of us in the  
4        federal case can be used in the arbitration and vice  
5        versa.

6           My question here is a little more subtle. What I  
7        don't want to have happen is saying that, oh, because by  
8        taking this case, this 30(b)(6), in the federal case  
9        that was also my one and only shot to get information  
10       for the arbitration.

11           If we can have an agreement that -- and this goes  
12        for you guys, too. All witnesses called in connection  
13        with the federal case may also be recalled in connection  
14        with the arbitration. If we have an agreement on that,  
15        that's perfectly acceptable to me.

16           MR. RAVA: I don't think that -- right.  
17        I think we're generally in agreement there. So I think  
18        we agree with you, that it doesn't make sense to ask the  
19        same questions of the same witnesses in two different  
20        proceedings, and that the -- and that the collection of  
21        evidence in one proceeding against one witness does not  
22        mean that you can't ask that same witness different  
23        questions in the different proceedings. So I --

24           MR. MANN: Okay. Fair enough. If we  
25        can limit today's deposition to the issues that are

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1 involved in the federal case without waiving my right to  
2 conduct an additional deposition in the arbitration --  
3 this applies bilaterally, of course. If we can agree on  
4 that, then, I can move on to other stuff.

5 MR. RAVA: I have no intent of arguing  
6 that you do not have the right to depose -- to depose --  
7 I do not intend to argue with Judge Cox, rather, that  
8 you cannot take a deposition relating to DMCA issues in  
9 the arbitration.

10 MR. MANN: Fair enough.

11 MR. RAVA: If you want to cover them  
12 here, you can cover them here.

13 MR. MANN: Okay. Well, I realize that,  
14 you know, the practical problem is, maybe, Dr. Kaiser  
15 could say, with some justification, hey, I wasn't  
16 prepared on that stuff. So I would rather talk to him  
17 when he is.

18 MR. RAVA: I understand.

19 MR. MANN: I'm wondering, would now be a  
20 good time for us to take our lunch break? I'm done with  
21 the circumvention stuff. We can, then, bring in the  
22 excluded parties. We could come back in 45 minutes, an  
23 hour, and we'll blast through the rest of this stuff.

24 MR. RAVA: Sounds like a good plan on  
25 our end. I could use a sandwich.